



U.S. Department of Justice

United States Attorney
Eastern District of New York

AES/DCP/DKK
F.#2014R00501

271 Cadman Plaza East
Brooklyn, New York 11201

August 2, 2018

By Hand and ECF

Honorable Kiyo A. Matsumoto
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Evan Greebel
Criminal Docket No. 15-637 (KAM)

Dear Judge Matsumoto:

The government respectfully submits this letter to request leave to file a brief response to new legal arguments raised by the defendant Evan Greebel in his reply sentencing memorandum (see Dkt. No. 654 (“Def. Reply”)), filed last night. Significantly, the defendant argued for the first time in his reply that restitution is barred based on, inter alia, his interpretation of the Mandatory Victim Restitution Act (“MVRA”) and a recent Supreme Court case decided in May 2018. (Def. Reply at 16-19). The defendant did not discuss restitution at all in his sentencing memorandum filed in July 2018 (see Dkt. No. 639), nor did he raise these arguments regarding restitution in his filings on the appropriate loss calculation or in his objections to the Pre-Sentence Investigation Report (“PSR”) in June 2018. (See Def. PSR Obj. at 19 (arguing only that restitution was unwarranted because there was no actual loss in connection with the settlement agreements)). The government is cognizant of the volume of materials already submitted in connection with the sentencing hearing scheduled for August 17, 2018, and therefore respectfully proposes that it be permitted to file a response of no more than five pages by 5:00 p.m. on Friday, August 3, 2018.

Respectfully submitted,

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